

**ORDINANCE NO. 21-14**

**AN ORDINANCE OF THE COUNTY OF SISKIYOU  
ADDING ARTICLE 15 TO CHAPTER 4 OF TITLE 3 OF THE SISKIYOU  
COUNTY CODE RELATING TO WATER TRUCKS.**

The Board of Supervisors of the County of Siskiyou does ordain as follows:

**SECTION 1.** Chapter 4 of Title 3 is hereby amended to add Article 15 and to read as follows:

**Article 15 – Restrictions on Water Trucks using certain specified County highways.**

**3-4.1501- Water Trucks prohibited on specified county roads.**

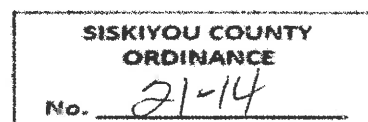
- (a) As used in this Article, "Water Truck" means a vehicle designed or being used to carry water of not less than 100 gallons or any vehicle designed for carrying or towing tanks or bladders of 100 gallons of water or more or a "Water Tender Vehicle," as defined in California Vehicle Code section 676.5. "Water Truck" does not include vehicles, such as a cement truck or a pesticide spray truck, that transport water as a mixture not suitable for irrigation.
- (b) Pursuant to the authority provided Siskiyou County under California Vehicle Code Section 21101(c), Water Trucks are prohibited from traveling over such streets (as defined in California Vehicle Code Section 590) and highways (as defined in California Vehicle Code Section 360) that the Board of Supervisors may specify by resolution. This prohibition does not apply to a Water Truck directly crossing through an intersection over a restricted street or highway.

**3-4.1502- Signs.**

The prohibitions set forth in this article shall not be enforceable unless signs have been placed alongside the street or highway so as to warn drivers of the prohibitions.

**3-4.1503 Penalties**

In addition to any other available penalty, including Section 1-2.01, any person or company, including a corporation or limited liability company (LLC), violating any section of this article shall be guilty of an infraction or misdemeanor and shall be fined \$100 or in an amount that the Board of Supervisors may specify by resolution, subject to the then-existing limitations of Vehicle Code 21104. To the maximum extent allowed under state law, any peace officer (as defined by California Penal Code Section 830 et seq.) in good standing that has completed Peace Officer Standards and Training (POST) may enforce this Article. Violation of this Article, including falsification of an



application for a permit issued pursuant to it or the unauthorized alteration of a permit issued hereunder or Siskiyou County Code Article 3.5 of Chapter 13 of Title 3, is grounds for permit revocation. A person or entity who has had a permit revoked pursuant to this section shall be ineligible for permit under this Article or Siskiyou County Code Article 3.5 of Chapter 13 of Title 3 for two years. Permit revocation is subject to appeal before the Board of Supervisors.

**3-4.1504- Special permits.**

- (a) The Siskiyou County Community Development Department, Environmental Health Division is hereby authorized, at its discretion, upon application in writing, and if good cause exists, to issue a special permit, which may be made valid for the entire calendar year in which it is issued, authorizing the applicant to operate a Water Truck that would otherwise be in violation Section 3-4.1501.
- (b) In issuing permits, the Siskiyou County Community Development Department, Environmental Health Division, may require on its application the source of the water, its specific destination (e.g. address or APN), the routes to be used, the dates of delivery, and any other information that will aid in enforcing this Article. In issuing permits, the Siskiyou County Community Development Department, Environmental Health Division may require proof from applicants that they possess any needed permits or licenses for the purported use for which water is being delivered and investigate whether a parcel to which water will be delivered may legally conduct the activity for which the delivery is being made.
- (c) The Siskiyou County Community Development Department, Environmental Health Division may set up a process whereby the holder of a valid permit under this Article or Siskiyou County Code Article 3.5 of Chapter 13 of Title 3 may submit for approval an additional specific destination (e.g. address or APN) to which a water delivery may be made using streets and highways otherwise restricted under Section 3-4.1501. Such specific destination shall be provisionally approved for water delivery pending a final determination by the Siskiyou County Community Development Department, Environmental Health Division, whether it is covered under the permit issued under this Article or Siskiyou County Code Article 3.5 of Chapter 13 of Title 3. The right to submit for provisional approval specific destinations under this subdivision may be revoked if a permit holder submits two consecutive destinations in a row later found to be invalid. Proof of having summited a provisionally approval request for an additional specific destination shall be carried by the driver of a Water Truck. Appeals revoking rights under this subdivision may be made to the Board of Supervisors.
- (d) Any permit issued under Siskiyou County Code Article 3.5 of Chapter 13 of Title 3 satisfies this requirement.
- (e) Permit holders are required to have in their possession when driving a Water Truck on a street or highway restricted under this Article the permit allowing such travel. The Siskiyou County Community Development Department, Environmental Health Division may issue decals signifying to peace officers

possession of a permit allowing travel over restricted streets and highways.

**3-4.1505 - Inapplicability.**

- (a) As used in this Section, "License" or "Permit" means a document provided the driver of a vehicle from a public entity evidencing a legal activity requiring the transport of water that the Board of Supervisors has specified by resolution exempts the holder of from Section 3-4.1501.
- (b) The prohibition contained in this chapter does not apply to emergency vehicles, governmental vehicles, vehicles of a contractor doing maintenance work and whose driver is in possession of valid contract with a public entity for such work, a vehicle being driven by the holder of timber harvest plan, and vehicles being driven by the holder of License or Permit as defined in subdivision (a).
- (c) To the extent that any provision of this article conflicts with state or federal law, either on its face or as applied, it shall be inapplicable to the extent of such conflict. The Board hereby affirms that it intends that all remaining provisions not in conflict remain in effect.

**3-4.1506 – Ordinance Review**

The Board of Supervisors shall on or about three years after this ordinance becomes effective review it and amend, repeal, or leave it unchanged, as the Board may determine is appropriate. Failure to carry out this Section shall not affect the enforceability of this Article.

**SECTION 2. Authority/Effective Date:**

This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

**SECTION 3. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or other applications of the ordinance, and the provisions of this ordinance are declared to be severable.

**SECTION 4. CEQA.**

The Board hereby finds that this Ordinance is exempt from the California Environmental

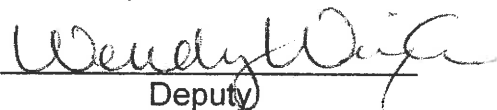
Quality Act ("CEQA") pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment from the adoption of these regulations allowing for the restriction of Water Tender Vehicles. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In addition, the Board of Supervisors further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 Categorical Exemption, 14 CCR § 15308, (regulatory activity to assure protection of the environment) and Class 7 Categorical Exemption, 14 CCR § 15307, (regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of a natural resources).

PASSED AND ADOPTED this <sup>3<sup>rd</sup></sup> ~~6<sup>th</sup>~~ <sup>August</sup> day of ~~July~~, 2021, at a regular meeting of the Board of Supervisors by the following vote:

AYES: Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
Ray A. Haupt Chairman,  
Board of Supervisors

ATTEST:  
LAURA BYNUM, CLERK,  
Board of Supervisors

By   
Deputy